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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,790	01/22/2002	Cyril Silberman	USLL-0004	4277

21302 7590 06/20/2003

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/053,790

Applicant(s)

SILBERMAN ET AL.

Examin r

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-21, 25, 26 and 29 is/are rejected.
- 7) ☒ Claim(s) 8-11, 22-24, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The drawings are objected to because they contain text. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,257,481 to Reppas et al.

Regarding claim 1, Reppas discloses a stadium having supported arched trusses (fig. 2: 26) and a roof member (fig. 4: 20). Reppas does not specifically claim the ends of the truss as spanning at least 200 feet. However, Reppas discloses the basic claim structure of the instant application. It would have been an obvious design choice to use the dimensions such as specified in these claims depending upon the size of the field and area needing to be covered.

Regarding claim 2, Reppas discloses two roof trusses (fig. 2: 26).

Regarding claims 3 and 4, Reppas discloses the roof member as being secured to the roof truss (fig. 4 & fig. 8) for movement.

Regarding claim 5, Reppas discloses the truss as not making substantial use of diagonal elements.

Regarding claim 6, Reppas discloses a guide track on the upper surface of the arch truss for the roof member (fig. 7: 28).

Regarding claim 7, Reppas discloses a retention mechanism for preventing the roof member from being lifted from the track (fig. 8: 46).

Regarding claims 19 and 25, Reppas discloses a stadium having supported arched trusses (fig. 2: 26) and a roof member (fig. 4: 20). Reppas does not specifically claim the ends of the truss as spanning at least 200 feet. However, Reppas discloses the basic claim structure of the instant application. It would have been an obvious design choice to use the dimensions such as specified in these claims depending upon the size of the field and area needing to be covered. Reppas also discloses tracks (fig. 7: 28) and a drive system for the roof member (column 2, line 65).

Regarding claims 20 and 26, Reppas discloses the guide tracks as being parallel (fig. 2).

Regarding claim 21, Reppas discloses the guide tracks as being upwardly convex (fig. 7: 28).

Regarding claim 29, Reppas discloses a drive system for the roof member (column 2, line 65).

Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,257,481 to Reppas et al. in view of U.S. Patent No. 5,062,243 to Kumagai.

Regarding claim 12, Reppas does disclose the roof truss as being arch shaped but does not disclose the truss as having its center of mass along the axis which spans between support locations. Kumagai discloses an arched shaped roof truss having its center of mass along the axis between support locations (fig. 13: 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reppas by using the truss shape disclosed by Kumagai in order to increase the strength and rigidity of the truss.

Regarding claims 13 and 14, Reppas in view of Kumagai discloses a truss being lenticular and symmetrical along the axis between the support locations.

Regarding claims 15-18, Reppas in view of Kumagai discloses the basic claim structure of the instant application but does not disclose specific dimensions. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Claim Objections

Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claim 8, the prior art of record does not disclose two arched roof trusses having, on their upper surfaces, a track for

securing and moving a roof element and the tracks have a retention mechanism for preventing the lifting of the roof member and the retention mechanism comprises a retention element for engaging a downward facing surface of the guide track. Claims 9-11 depend from claim 8.

Claims 22-24, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claims 22 and 27, the prior art of record does not disclose a convertible stadium having two major arch shaped trusses with guide tracks, having convex shapes, attached at upper parts of the trusses designed to secure and move a roof member, a drive system for moving the roof member and the roof member has a first wheel that engages an upwardly facing surface of the first guide track and a second wheel which is engaged with a downwardly facing surface of the first guide track and a biasing mechanism for biasing the first wheel toward the second wheel. Claims 23 and 24 depend from 22. Claim 28 depends from 27.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The cited patents listed on the included form PTO-892 further show the state of the art with respect to arched stadium roofs in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

6/9/03


Carl D. Friedman
Supervisory Patent Examiner
Group 3600